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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: October 27, 2021
SUBJECT: Conditional Use Permit (CUP) 2021-07/Graves

EXECUTIVE SUMMARY

The Applicant Steven Graves, is applying for a conditional use permit to convert his existing garage, which is nonconforming to the required side yard setback, into a habitable space along with constructing an addition to connect this converted habitable space to the main house. Under County Code 18.78.250, A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the planning commission of a conditional use permit application.

PROJECT INFORMATION.

Supervisory District: 1

Project Applicant: Steven Graves

Property Owner: Steven Graves

Site Address: 116 N Lone Pine Ave

Community: Lone Pine, CA

A.P.N.: 005-072-13

General Plan: Residential Medium-High Density (RMH)

Zoning: Multiple Residential (R2-6,500)

Size of Parcel: Approximately 0.17 acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium-High Density (RMH)	Multiple Residential (R2-6,500)
North	Residential	Residential Medium-High Density (RMH)	Multiple Residential (R2-6,500)
East	Residential	Residential Medium-High Density (RMH)	Multiple Residential (R2-6,500)
South	Vacant-LADWP	Residential Medium-High Density (RMH)	Multiple Residential (R2-6,500)
West	Residential	Residential Medium Density (RM)	Single Family Residential (RMH-5,800)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2021-07/Graves and find the project is exempt under CEQA.**

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis are needed.

Project Planner: Graham Meese

STAFF ANALYSIS

Background and Overview

The Applicant Steven Graves, is applying for a conditional use permit to convert his garage, which is nonconforming to the required side yard setback, into a habitable space. He will also be building an addition to connect the habitable garage to the main house. Under County Code 18.78.250, “A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the planning commission of a conditional use permit application.”

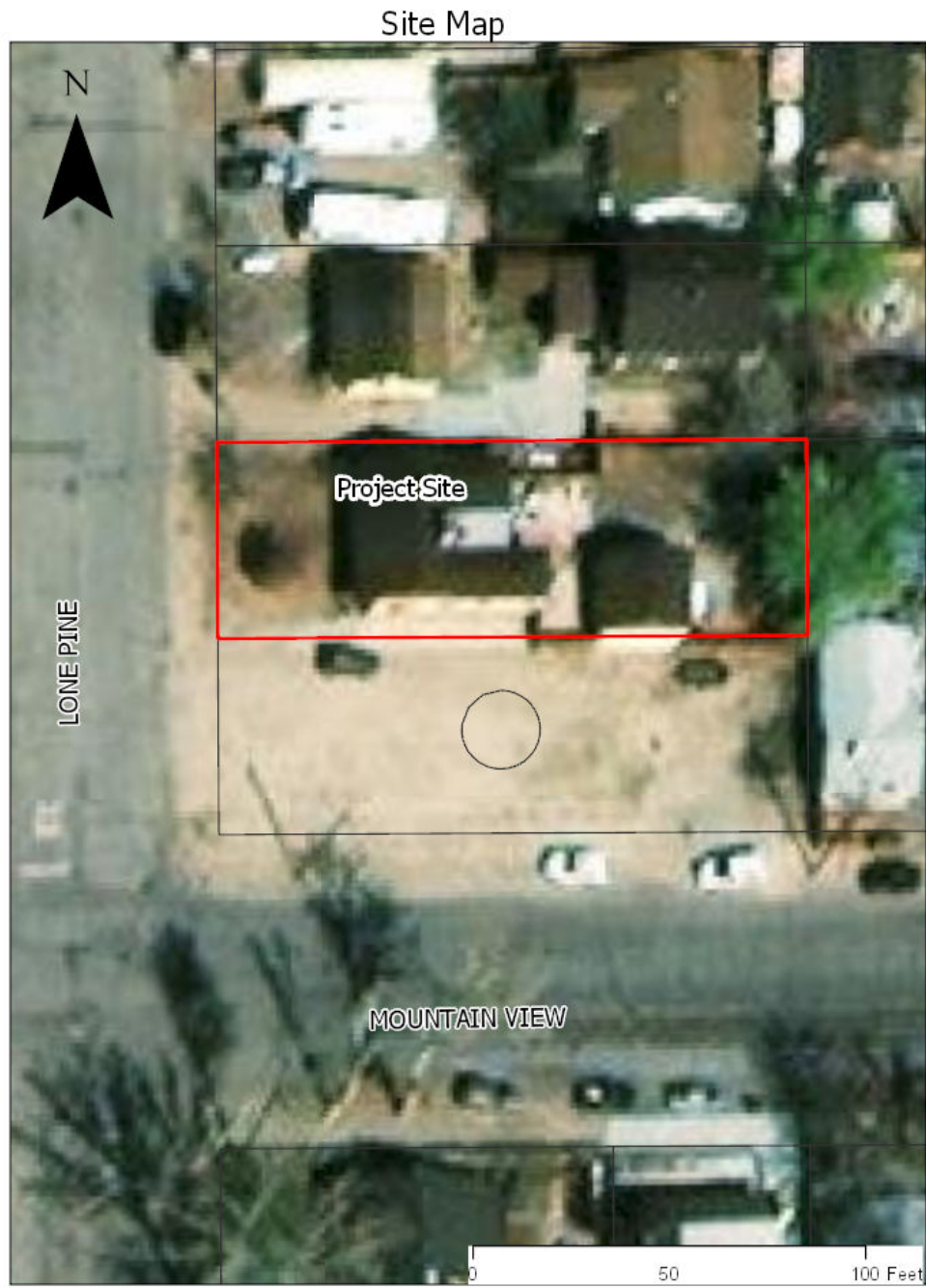
This property is located at 116 Lone Pine Avenue, in Lone Pine California. The parcel is zoned Multiple Residential (R2) with a general plan designation of Residential Medium-High Density (RMH). The property currently contains a single family house and a detached garage, which is located within the side yard setback. The proposed CUP will allow the applicant to convert the garage into a habitable space and attach it to the main house.

Vicinity Map

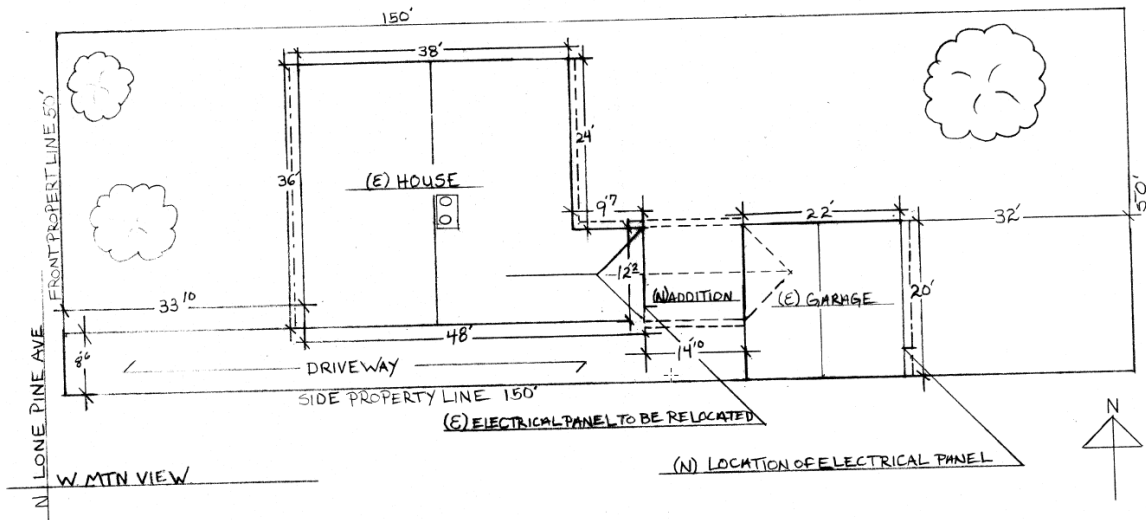
Vicinity Map



Site Map



Building Plans



General Plan Consistency

The goal of this project is to allow for an established legally nonconforming garage to be converted into a habitable space and come into compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Residential Medium-High Density (RMH), as it allows for single-family and multi-family residential units, group quarters, public and quasi-public uses, and similar and compatible uses. The proposed project would be expanding a single-family dwelling unit to include the converted garage.

Zoning Ordinance Consistency

The Multiple Residential (R2) zoning designation is intended to provide medium density multiple residential neighborhoods and to provide space suitable in appropriate locations for additional housing developments. The proposed conversion of a garage into a habitable space and the associated connection to the main dwelling is consistent with the R2 zoning designation as it allows for single-family dwellings on a lot as well as two separate single-family dwellings.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2021-07/Graves is Categorically Exempt under CEQA Guidelines 15303, New Construction or conversion of small structures-Class 3. Class 3 consists of the construction of new small facilities or structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The CUP is being applied for is to convert a legally nonconforming garage into a habitable space and connect it with the single-family dwelling unit on the property, causing it to be Exempt.

NOTICING & REVIEW

The application for CUP 2021-07/Graves has been reviewed by the appropriate County departments with no comments indicating there are any issues with the request.

A public hearing notice was published in the Inyo Register on October 14, 2021 and mailed to property owners within 300-feet of the project location. No comments have been received by staff to date.

RECOMMENDATION

Planning Department staff recommends the approval of CUP No. 2021-07/Graves, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed CUP is exempt under CEQA Guidelines 15303, construction or conversion of Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 3 consists of the construction of new small facilities or structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The CUP is being applied for is to convert a legally nonconforming garage into a habitable space and connect it with the single-family dwelling unit on the property.]
2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of Residential Medium-High Density (RMH).
[Evidence: The goal of this project is to allow for an established legally nonconforming garage to be converted into a habitable space and come into compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Residential Medium-High Density (RMH), as it allows for single-family and multi-family residential units, group quarters, public and quasi-public uses, and similar and compatible uses. The proposed project would be expanding a single-family dwelling unit to include the converted garage.]
3. The proposed CUP is consistent with the Inyo County Zoning Ordinance of Multiple Residential (R2)
[Evidence: The Multiple Residential (R2) zoning designation intended to provide medium density multiple residential neighborhood, and to provide space suitable in appropriate locations for additional housing developments. The proposed conversion of a garage into a habitable space and the associated connection to the main dwelling is consistent with the R2 zoning designation as it allows for single-family dwellings on a lot as well as two separate single-family dwellings.]
4. The proposed CUP is necessary or desirable.
[Evidence: The Applicant is applying for a conditional use permit to convert his garage, which is nonconforming to the required side yard setback, into a habitable space. He will also be building an addition to connect the habitable garage to the main house. Under County Code 18.78.250, "A nonconforming building shall not be

enlarged, extended or structurally altered without submission of, and approval by, the planning commission of a conditional use permit application.” The applicant is converting the garage into a habitable space so he can live in it and allow his daughter and her family to live in the main house. The proposed construction is consistent with the general plan and zoning ordinance, and the CUP is required due to the nonconforming side yard setback along the south side of the existing garage.]

5. The proposed CUP is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed CUP is to allow a nonconforming building to be altered in compliance with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed CUP would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The CUP is to allow a nonconforming building to be altered in compliance with the County’s Zoning Code. The adjacent lot which the side yard setback is not being met is vacant and owned by LADWP. This project will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the CUP for the site.
[Evidence: The Applicant is applying for a conditional use permit to convert his garage, which is nonconforming to the required side yard setback, into a habitable space. He will also be building an addition to connect the habitable garage to the main house. Under County Code 18.78.250, “A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the planning commission of a conditional use permit application.”]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning CUP No. 2021-07/Graves. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.